

IN THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

|  |   |                   |
|--|---|-------------------|
| THE STATE OF MISSOURI,                   | ) |                   |
| ex rel. ERIC S. SCHMITT, in his official | ) |                   |
| capacity as Missouri Attorney General,   | ) |                   |
|  | ) |                   |
| Plaintiff-Appellant,                     | ) | Case No.: 22-2495 |
|  | ) |                   |
| v.                                       | ) |                   |
|  | ) |                   |
| THE PEOPLE’S REPUBLIC OF CHINA,          | ) |                   |
| et al.,                                  | ) |                   |
|  | ) |                   |
| Defendants-Appellees.                    | ) |                   |

**THE LAWYERS FOR UPHOLDING INTERNATIONAL LAW’S MOTION FOR  
LEAVE TO FILE AN AMICUS BRIEF IN SUPPORT OF AFFIRMANCE**

COMES NOW the Lawyers for Upholding International Law (hereinafter “LUIL”), by and through their undersigned local counsel of record, pursuant to Federal Rule of Appellate Procedure 29, hereby moves this Court for leave to file an *amicus curiae* brief in support of affirmance of the District Court per the scheduling in this Court’s Order, dated August 19, 2022, and in support of this motion, states as follows:

1. This Court’s initial Appeal Briefing Schedule Order, dated July 14, 2022, directed that Appellant The State of Missouri’s brief with addendum be filed by August 23, 2022. The Appeal Briefing Schedule Order does not state when potential *amici curiae* may move for leave to file an amicus brief or when such a brief is due.

2. On August 19, 2022, Appellant The State of Missouri filed its Motion for Extension of Time to file its brief until September 22, 2022.

3. On August 19, 2022, The China Society of Private International Law filed its Motion for Extension of Time to Move For Leave to file Amicus Brief in Support of Affirmance

under Fed. R. App. P. 29(a)(6), which states: “[a]n amicus curiae must file its brief, accompanied by a motion for filing when necessary, no later than 7 days after the principal brief of the party being supported is filed. . . . A court may grant leave for later filing, specifying the time within which an opposing party may answer.”

4. On August 19, 2022, this Court entered an Order granting Appellant The State of Missouri’s motion and granting in part The China Society of Private International Law’s motion. Appellant’s brief is due September 22, 2022, and The China Society of Private International Law’s amicus brief will be due 7 days from the date the Court issues the Notice of Docket Activity filing the Appellant’s brief.

5. The LUIL now requests this Court grant leave for it to file its amicus brief in support of affirmance of the District Court’s Order dismissing Appellant’s Complaint per the scheduling in this Court’s Order, dated August 19, 2022.

6. The LUIL is comprised of Professor Geert-Jan Alexander Knoops and Professor Tom Zwart, who were the first *amici* to move for and be granted leave by the District Court to enter the underlying dispute. Both Professor Knoops and Zwart are accomplished attorneys and scholars in the field of International Law with specific expertise and experience on International Law in China.

7. The original Complaint and the current Appeal by Appellant The State of Missouri contains multiple issues of subject-matter jurisdiction, including but not limited to the classification of the Defendants-Appellees as “arms of the state” and the Foreign Sovereign Immunities Act (“FSIA”). As practicing attorneys and learned academics in this field, the LUIL is uniquely qualified in providing assistance to the Court on the issues of International Law,

specifically the sovereign immunity of Defendants-Appellees, as well as the potential implications on international legal matters.

WHEREFORE, the LUIL respectfully requests that this Court grant its Motion for Leave to file its amicus brief in support of affirmance 7 days from the date the court issues the Notice of Docket Activity filing the Appellant's brief.

Respectfully submitted,

/s/ Geert-Jan Alexander Knoops

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***Local Counsel for Lawyers for Upholding  
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**CERTIFICATE OF SERVICE**

I certify that on this day, I filed the foregoing **The Lawyers for Upholding International Law's Motion for Leave to File an Amicus Brief in Support of Affirmance** with the clerk's office via the CM/ECF system this 31<sup>st</sup> day of August, 2022, which will send notification of filing to the following counsel of record:

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